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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,912	08/22/2003	Kenneth Shanton	57690.010415	1605
38077	7590	07/10/2007	EXAMINER	
PATRICK W. RASCHE ARMSTRONG TEASDALE LLP ONE METROPOLITAN SQUARE, SUITE 2600 ST. LOUIS, MO 63102-2740			CHAMPAGNE, LUNA	
		ART UNIT	PAPER NUMBER	
		3627		
		MAIL DATE		DELIVERY MODE
		07/10/2007		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/646,912	SHANTON, KENNETH
	<b>Examiner</b>	<b>Art Unit</b>
	Luna Champagne	3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 April 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 3-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 3-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date: _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

The amendment filed on 4/23/07 is acknowledged. Claims 1, 3-20 are presented for examination. Claim 2 is cancelled. Claims 9-20 are new.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garber et al. (US 7,044,373 B1), in view of Schirer (6,155,325).

As per claims 1, 9, 10, 20, Garber et al. teach a system for monitoring inventory in a point of purchase display (see e.g. col. 10, lines 28-30), comprising: (See fig. 16) a portable display stand, having at least one shelf, operably configured to support a package thereon; the display stand further having at least one of a bottom wall, a side wall, a back wall, a top wall, a front wall (See col. 15, lines 60-65); at least one package, operably configured to be positioned on the at least one shelf (See col. 15, lines 38-39), the at least one package containing a radio frequency identification tag (See col. 13, lines 28-30); at least one radio frequency antenna, affixed to at least one of the at least one shelf, the at least one of a bottom wall, a side wall, a back wall, a top wall, a front wall (See col. 16, lines 19-21); a radio frequency identification tag reader, operably connected to the radio frequency antenna, for transmitting to and receiving radio

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frequency signals from the radio frequency identification tag, the radio frequency identification tag reader being operably configured to generate signals representative of the presence and absence of radio frequency identification tags within the display stand (See col. 11, lines 36-40; col. 12 lines 45-53), the radio frequency identification tag reader being operably connectable to a remotely situated monitoring apparatus, for providing a remote indication of the presence and absence of the at least one package containing a radio frequency identification tag, within the display (See col. 12, lines 52-57).

Garder et al. do not teach the portable display stand configured to be collapsible and transportable; wherein the portable display stand is shipped to a destination in a folded flat configuration and erected at the destination.

However, Schirer teaches the portable display stand configured to be collapsible and transportable; wherein the portable display stand is shipped to a destination in a folded flat configuration and erected at the destination (a portable display board that can fold into an easily transportable configuration - see e.g. col. 2, lines 17-20).

Therefore it would have been obvious, at the time of the invention, to a person of ordinary skill in the art to modify Garder et al. by using a collapsible and transportable portable display stand, in order to add efficiency to the system.

As per claims 3 and 11, Garber et al. do not specifically teach a system, wherein the portable display stand is fabricated substantially completely from one of: paper; paperboard; corrugated paperboard; bristol board; foam cored board; plastic.

However, Schirer teaches a system wherein the portable display stand is fabricated substantially completely from one of: paper; paperboard; corrugated paperboard; bristol board; foam cored board; plastic (see col. 3, *lines 53-56*).

Therefore it would have been obvious, at the time of the invention, to a person of ordinary skill in the art to modify Garder et al. by using a portable display stand fabricated substantially completely from corrugated paperboard, in order to prevent interference with the RFID system from other materials.

As per claim 4, Garber et al. teach a system, wherein the portable display stand is at least partially covered with emf absorbing/shielding material (See col. 8, *lines 60-64*).

As per claim 5, Garber et al. teach a system, wherein the at least one radio frequency antenna is affixed to the portable display stand by printing the at least one radio frequency antenna on a surface of the portable display stand with metallic ink (See col. 16, *lines 7-10*).

As per claims 6 and 12, Garber et al. teach a system, wherein the at least one radio frequency antenna is embedded within the material from which the portable display stand is fabricated (See col. 22, *lines 9-10*).

As per claim 7, Garber et al. teach a system, wherein the portable display stand is provided with wheels to facilitate movement of the portable display stand (See col. 15, lines 41-42; col. 16, lines 56-58).

As per claim 8, Garber et al. teach a system, wherein the portable display stand incorporates a pallet structure (See fig. 16).

As per claims 13-19, Gardner, in view of Schirer, lack the specific details/configurations described in Applicant's dependent claims.

However, it would have been obvious to one of ordinary skill in the art to modify Gardner, in view of Schirer, to incorporate the specific details/configurations described in Applicant's dependent claims as a design choice, in order to hide the antenna/wire from public reach for safety and/or aesthetic reasons.

**Reply to Arguments:**

3. Applicant's arguments with respect to claims 1, 3-8 have been considered and are addressed in the rejection above.

**Conclusion**

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed; and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Berquist et al. (US 7,161,470 B2), Rolin (US 6,825,754,B1), Kahn et al. (US 6,234,394 B1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luna Champagne whose telephone number is (571) 272-7177. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Luna Champagne  
Examiner  
Art Unit 3627

June 26, 2007

*R. Zeender 6/29/07*  
F. RYAN ZEENDER  
SUPERVISORY PATENT EXAMINER